

FEB 23 2009

Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN 2006-2316

**CHRISTINE MARIE BOLAND aka  
CHRISTINE MARIE HAND aka  
KIMBERLY BOLAND**  
1120 Chelsea Place  
Turlock, California 95380

**A C C U S A T I O N**

Vocational Nurse License No. VN 189718

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

**License History**

2. On or about October 23, 1999, the Board issued Vocational Nurse License Number VN 189718 ("license") to Christine Marie Boland, also known as Christine Marie Hand and Kimberly Boland ("Respondent"). The license will expire on November 30, 2009, unless renewed.

## JURISDICTION

3. Section 2875 of the Business and Professions Code ("Code") states, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118, subdivision (b), states, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

7. Code section 2878.6 states, in pertinent part:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a licensed vocational nurse is deemed to be a conviction within the meaning of this article. . . irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty . . . , or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

## COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Criminal Convictions)**

9. Respondent has subjected her license to disciplinary action under Code section 2878, subdivision (f), in that Respondent has been convicted of crimes substantially related to the qualifications, functions or duties of a vocational nurse, as follows:

a. On or about November 8, 2007, in the Superior Court of California, County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie Boland* (Super. Ct. Stanislaus County, 2007, Case No. 1228549), Respondent was convicted on her plea of nolo contendere of violating Penal Code section 594, subdivision (b)(1) (Vandalism) and Penal Code section 243, subdivision (b), (Battery on a Peace Officer), both misdemeanors. The circumstances of the crime are that on or about June 5, 2007, Respondent did willfully, unlawfully, feloniously and maliciously deface, damage, and destroy real and personal property, to wit: house not her own and, furthermore, did use force and violence upon a Turlock Police Officer engaged in the performance of his duties.

b. On or about January 26, 2000, in the Superior Court of California, County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie Boland* (Super. Ct. Stanislaus County, 2000, Case No. 1002210), Respondent was convicted on

1 her plea of guilty of violating Vehicle Code section 23152, subdivision (a) (Driving While Under  
2 the Influence of Alcohol), a misdemeanor. The circumstances of the crime are that on or about  
3 December 26, 1999, Respondent did willfully and unlawfully drive a vehicle while under the  
4 influence of an alcoholic beverage.

5 c. On or about October 12, 2000, in the Superior Court of California,  
6 County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie*  
7 *Boland* (Super. Ct. Stanislaus County, 2000, Case No. 1006607), Respondent was convicted on  
8 her plea of nolo contendere to a lesser charge of violating Penal Code section 415, subdivision  
9 (1) (Fight in a Public Place), a misdemeanor. The circumstances of the crime are that on or about  
10 April 1, 2000, Respondent did willfully and unlawfully use force and violence upon K.B., who  
11 was Respondent's current spouse.

## 12 **SECOND CAUSE FOR DISCIPLINE**

### 13 **(Conviction Involving Alcoholic Beverages)**

14 10. Respondent has subjected her license to disciplinary action under Code  
15 section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code  
16 section 2878.5, subdivision (c), in that Respondent was convicted of a crime involving the  
17 consumption of alcoholic beverages, as set forth in paragraph 9, subparagraph b., above.

## 18 **THIRD CAUSE FOR DISCIPLINE**

### 19 **(Use Alcoholic Beverages in a Manner Dangerous or Injurious)**

20 11. Respondent has subjected her license to disciplinary action under Code  
21 section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code  
22 section 2878.5, subdivision (b), in that Respondent used alcoholic beverages in a manner  
23 dangerous or injurious to herself, any other person, or the public, as set forth in paragraph 9,  
24 subparagraph b., above.

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**FACTORS IN AGGRAVATION**

12. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant further alleges, as follows:

a. On or about April 28, 1992, in the Municipal Court of California, County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie Boland* (Muni. Ct. Stanislaus County, 1992, Case No. T960091), Respondent was convicted on her plea of nolo contendere to a lesser charge of violating Penal Code section 415, subdivision (1) (Fight in a Public Place), a misdemeanor.

b. On or about June 10, 1992, in the Municipal Court of California, County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie Boland* (Muni. Ct. Stanislaus County, 1992, Case No. T960089), Respondent was convicted on her plea of nolo contendere to a lesser charge of violating Vehicle Code section 23103.5 (Wet Reckless), a misdemeanor. The circumstances of the crime are that on or about February 9, 1992, Respondent did willingly and unlawfully drive a vehicle while under the influence of an alcoholic beverage.

c. On or about July 11, 2005, in the Superior Court of California, County of Stanislaus, in the case entitled, *People of the State of California v. Christine Marie Boland* (Super. Ct. Stanislaus County, 2005, Case No. 1093752), Respondent was convicted on her plea of nolo contendere of violating Penal Code section 273, subdivision (d) (Inflict Injury Upon Child), a misdemeanor. The circumstances of the crime are that on or about June 19, 2005, Respondent did willfully and unlawfully inflict cruel and inhuman corporal punishment and injury, resulting in a traumatic condition upon her child, to wit: T. B., age 14.

d. On or about December 7, 2006, in the case entitled, *People of the State of California v. Christine Marie Boland* (Super. Ct. Stanislaus County, 2005, Case No. 1093752), Respondent admitted to violating her probation. The circumstances of the violation are that on or about June 19, 2005, Respondent did willfully and unlawfully inflict cruel and inhuman corporal punishment and injury, resulting in a traumatic condition upon her child, to wit: T. B., age 14.

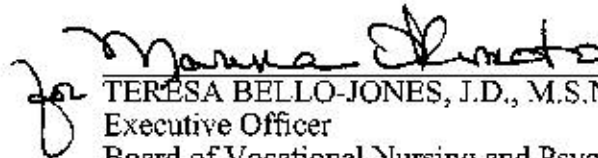
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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board issue a decision:

- 4 1. Revoking or suspending Vocational Nurse License Number VN 189718  
5 issued to Christine Marie Boland, also known as Christine Marie Hand and Kimberly Boland;  
6 2. Ordering Christine Marie Boland, also known as Christine Marie Hand  
7 and Kimberly Boland to pay the Board the reasonable costs of the investigation and enforcement  
8 of this case, pursuant to Code section 125.3; and,  
9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: February 23, 2009

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15 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
16 Executive Officer  
17 Board of Vocational Nursing and Psychiatric Technicians  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant  
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